



Department of Justice

Billing Number: 4410-02

Federal Bureau of Investigation

[OMB Number 1110-0035]

Agency Information Collection Activities; Existing Collection,
Comments Requested: Approval of an Existing Collection; The
National Instant Criminal Background Check System (NICS) Point
of Contact (POC) State Final Determination Electronic Submission

ACTION: 60-Day Notice:

The Department of Justice (DOJ), Federal Bureau of Investigation (FBI), Criminal Justice Information Services (CJIS) Division's NICS Section will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for 60 days until [the Federal Register will insert 60 days from the date this notice is published in the Federal Register]. This process is conducted in accordance with Title 5, Code of Federal Regulations (C.F.R.), Section 1320.10.

If you have comments (especially on the estimated public burden or associated response time), suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Sherry L. Kuneff, Management and Program Analyst,

Federal Bureau of Investigation, Criminal Justice Information Services Division, National Instant Criminal Background Check System Section, Module A-3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, or facsimile at (304) 625-7540.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agency's/component's estimate of the burden of the proposed collection of the information, including the validity of the methodology and assumptions used;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information:

- (1) **Type of Information Collection:** Approval of an Existing Collection

(2) Title of the Forms:

The National Instant Criminal Background Check System (NICS) Point-of-Contact (POC) State Final Determination Electronic Submission

(3) Agency Form Number, if any, and the applicable component of the department sponsoring the collection:

Form Number: 1110-0035.

Sponsor: Criminal Justice Information Services (CJIS) Division of the Federal Bureau of Investigation (FBI), Department of Justice (DOJ)

(4) Affected public who will be asked or required to respond, as well as a brief abstract:

Primary: Full Point-of-Contact (POC) States; Partial POC States; the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)-qualified Alternate Permit States.

Brief Abstract: This collection is requested of Full POC States, Partial POC States, and the Bureau ATF-qualified Alternate Permit States. Per Title 28, Code of Federal Regulations, Section 25.6(h), POC States are required to transmit electronic determination messages to the FBI CJIS Division's NICS Section of the status of a firearm background check in those instances in which a transaction is "open" (transactions unresolved before the end of the operational day on which the transaction was initiated); "denied" transactions; transactions reported to the NICS as open and subsequently changed to proceed; and overturned denials. The POC State must send this response to the NICS immediately upon communicating their determination to the

Federal Firearms Licensee or in those cases in which a response has not been communicated, no later than the end of the operational day in which the transaction was initiated. For those responses that are not received, the NICS will assume the transaction resulted in a "proceed."

<http://www.fbi.gov/programs/nics/index.htm>

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:

There are 21 POC States that are required to submit electronic notifications to the FBI CJIS Division's NICS Section and 18 ATF-qualified Alternate Permit States voluntarily submit electronic notifications to the FBI CJIS Division's NICS Section. Both POC States and ATF-qualified Permit States conduct an average of 5,859,797 transactions per year. It is estimated that 26 percent of these transactions would be affected by this collection and would require electronic messages sent to the NICS. This translates to 1,523,547 transactions, which would be the total number of annual responses. The other 74 percent would not be reported in this collection. It is estimated it will require one minute (60 seconds) for each POC State and ATF-qualified Alternate Permit State to transmit the information per transaction to the NICS. Thus, it is estimated that collectively all respondents will spend 25,392 hours yearly submitting determinations to the NICS. If the number of transactions were distributed evenly among the POC States and ATF-qualified Alternate Permit States, then 651 hours would be the estimated time for each of the 39 states to respond. Record-keeping time is part of the routine business process and is not part of this calculation.

(6) An estimate of the total public burden (in hours) associated with the collection:

The average yearly hour burden for submitting final determinations combined is:

$(5,859,797 \text{ total checks} \times 26 \text{ percent}) / 60 \text{ seconds} = 25,392 \text{ hours.}$

(7) Estimates of Total Annual Cost Burden:

Due to the variety of technical requirements that exist among the different POC state systems, the multiplicity of available technology, and indeterminate volume of transactions, the total annual cost burden to the POC States and ATF-alternate Permit States were estimated to be approximately \$13,390,000. This figure includes start-up costs for initial implementation which were estimated according to industry standard data and limited information provided by the POC states. This figure also includes NICS Section estimated annual costs for post-implementation, which includes operation and maintenance, hardware/software upgrades, and overhead based on 13 Full POC States.

If additional information is required, contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Policy and Planning Staff, Justice Management Division, 145 N Street, NE, Room 3W-1407B, Washington, DC 20530.

Jerri Murray

November 1, 2102

Department Clearance Officer for PRA

United States Department of Justice

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